



INTERIOR BOARD OF INDIAN APPEALS

Estate of Edward Dick Jones

53 IBIA 12 (01/26/2011)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

ESTATE OF EDWARD DICK JONES) Order Docketing and Dismissing
) Appeal
)
) Docket No. IBIA 11-005
)
) January 26, 2011

Brian Haanen (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Petitions for Rehearing (Rehearing Order) entered on September 9, 2010, by Administrative Law Judge (ALJ) Thomas F. Gordon in the estate of Edward Dick Jones (Decedent), deceased Chukchansi Indian, Probate No. P000026651IP. In the Rehearing Order, the ALJ rejected arguments by Appellant (Decedent's grandnephew) and Appellant's mother, Frances Castro (Decedent's niece and an heir), that Decedent's half-sister, Margaret Hammond, should not inherit from Decedent. In addition, the ALJ referred to the Bureau of Indian Affairs (BIA) a challenge by Appellants to the inclusion of California Public Domain Allotment No. 50H S139 in Decedent's estate inventory. *See* 43 C.F.R. § 30.128.¹

On receipt of the appeal, the Board ordered Appellant to serve copies of his notice of appeal on the ALJ and all interested parties, as required by 43 C.F.R. §§ 4.310(b) and 4.323. The Board's order required Appellant to inform the Board by November 29, 2010, that he had served the necessary parties. The order further informed Appellant that if he failed to respond, his appeal might be summarily dismissed without further notice.

The Board has received no response from Appellant.

¹ Appellant and Frances contended that Decedent intended to transfer his interest (an undivided 1744/5400, or approximately 32% share) in Allotment No. 50H S139 to Appellant.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed but dismisses this appeal for failure to prosecute.²

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge

² The Board's dismissal of this appeal should not have any bearing on BIA's consideration of the inventory dispute referred to BIA by the ALJ. BIA's decision on the inventory dispute should include appropriate administrative appeal rights.